

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

IN RE:) CHAPTER 13
KESHA MCKEITHAN)
)
Debtor(s).) CASE NO. 16-31290-DHW13

MOTION FOR RELIEF FROM AUTOMATIC STAY

Now Comes the Movant, GUARDIAN CREDIT UNION, a creditor herein, by its attorneys, Chambless Math ♦ Carr, P.C. and for its Motion for Relief from the Automatic Stay, states as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Section 1334, as referred under 28 U.S.C. Section 157, and it constitutes a "core proceeding" within the meaning of the latter statute. This Motion is made pursuant to Bankruptcy Rule 4001, and in conformity with Bankruptcy Rule 9014.

2. Movant is precluded by the force and effect of paragraph (4) and (5) of Section 362(a) of the Bankruptcy Code from enforcing Movant's lien against property of the estate and property of the Debtor(s).

3. The Debtor(s) was at the time of the filing of his petition, and still is indebted to the Movant in the sum of \$22,721.93 plus interest at the contract rate until paid.

4. The consideration was an obligation for the sum and on the date shown on the security agreement attached to the Proof of Claim filed herein by the Movant.

5. There are no setoffs or counterclaims to said debt, and it is free from any charge forbidden by applicable law.

6. Pursuant to said obligation, the Movant has a security interest in goods as follows: 2007 CHEVROLET SUBURBAN. The value of the property in which the Movant has a security interest

is estimated to be less than the amount of the debt.

7. The Debtor(s) does not have equity in said property and it is not necessary for an effective reorganization. Movant is and will continue to suffer irreparable harm from continuation of the 11 U.S.C. Section 362 automatic stay because the debtor has failed to make regular payments to the trustee as required by the terms of his confirmed plan.

8. Meanwhile, Debtor(s) continues to use and enjoy the movant's collateral while same continues to depreciate in value without adequate protection and compensation to Movant.

WHEREFORE, Movant moves for an Order granting relief from the Section 362 Stay, directing the Debtor(s) to surrender possession of said property to the Movant, and for an Order barring the Debtors' right of redemption, along with such further or other relief as the court may deem proper.

GUARDIAN CREDIT UNION

/s/ Leonard N. Math
By: Leonard N. Math

Of Counsel:
Chambless Math ♦ Carr, P.C.
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served on all attorneys of record as set forth below on October 3, 2016.

Manner of Service

x by electronic notice

SABRINA L. MCKINNEY
Acting Chapter 13 Trustee
PO BOX 173
MONTGOMERY AL 36101
trustees_office@ch13mdal.com

JOSHUA C. MILAM
566 S. PERRY STREET
MONTGOMERY AL 36104
JMILAM@SMCLEGAL.COM

x depositing a copy thereof in the United States mail postage prepaid:

KESHA MCKEITHAN
4475 HWY 14
MILLBROOK AL 36054

/s/ Leonard N. Math
Chambless Math ♦ Carr, P.C.